



## *Ghana*

### *Kanye Ndu Bowi: An Indigenous Philosophical Context for Conflict Management*

Since the late 1980s there has been a search for new conflict management concepts and methods in order to deal with Africa's ubiquitous and apparently intractable conflicts. It can be argued that the main problem militating against conflict management in Africa is that the contemporary conflict management systems of the region's modern states are generally not continuations or adaptations of those of the indigenous communities over which they have gained jurisdiction since the colonial period. In other words, the main drawback in the conflict management in Africa is that there exists a disconnect between the conflict management systems of the modern states and those of their ethnic constituents. Thus, an understanding of the indigenous conflict management systems in the Africa in general may go a long way towards improve our knowledge and strategies in addressing the ever increasing conflicts in the region.

This article intends to summarize findings from a study carried out by the author between the winter of 1995 and spring of 1996 among the Buems on the Ghana side of the Ghana-Togo

border. The objective in this paper is to identify and discuss the main philosophical contexts within which the indigenous Buem conflict management system operates. The paper also assesses the relevance of these principles to the management of modern conflicts in the area, particularly land-related conflicts.

For administrative purpose, the area under study is called Buem-Kator<sup>2</sup>; it constitutes the eastern half of the larger Buem chiefdom in the Jasikan District of the Volta Region of Ghana. In terms of Ghana's current decentralization program, the area is an area council, one of the six area councils that constitute the Jasikan

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District Assembly establishment. The indigenous people about whom this article is written are called Buems. Because the area is generally covered with tropical rainforest, which is highly conducive to the cultivation of cocoa and coffee, it has since the turn of the last century attracted large numbers of migrant farmers.

### Kanye Ndu Bowi

Buems maintain that the paramount concern of their community is to sustain harmony within the social system. The philosophical foundation of this world view is encapsulated in the phrase, kanye ndu bowi, which translates literally to mean the “ingredients of social harmony.” Kanye ndu bowi is a broad ideological orientation, which provides the moral and legitimate basis for all manner of social control<sup>3</sup> and is translated into practice through the imposition of “intrinsic sanctions.” Intrinsic sanctions in the Buem context are both positive and negative. They are the subtle, though pervasive, means by which the members of

the community are molded to uphold the normative order. Whereas the positive sanctions consist of the psyche rewards that the people receive when they conform to the approved mode of behavior, negative sanctions are the feeling of moral discomfort that they experience when they default.

Even though Buems insist that social harmony is the overriding ideology in their relationship with each other, needless to state, the people do not follow the dictates of the rules of conformity with undeviating passion. Conflicts are part and parcel of Buem social life. Conflicts occur within kinship units and between members of different kin groups. They also occur between communities and between them and their non-Buem neighbors. In defining their conflict situations, Buems distinguish between anger (konyi), quarrel (kador), duelling (bekpeligiti), and war (kekpe). Disputes usually involve breach of contract, slander, and witchcraft and sorcery accusations. Conflicts can also result from the problems of political succession, marital misunderstanding, injuries against persons, and damage to property. Land boundaries and rights of access to land are often contested. However, in conformity with the principles of social harmony, disputants are essentially expected to settle their disputes by the most amicable means available. Thus, recidivism in particular is severely sanctioned by the community as a whole whose duty it is to provide the public officials with support in enforcing the community’s normative order.

### Pillars of social harmony in Buem-Kator

The Buem philosophy of social harmony is supported and sustained by other political values, among which are the people’s notions of benyaogba ukpikator and lelorkalorbunu and their uncompromising emphasis on institutional and personnel trustworthiness.

#### (i) *Benyaogba ukpikator*

One means by which the ideology of kanye ndu bowi is sustained is through active emphasis on mediation, which the people refer to as benyaogba ukpikator. Benyaogba ukpikator, as an essential pillar in the ideology of kanye ndu bowi, provides adversarial parties a forum to underplay conflicts and convince each other that irrespective of the

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nature and cause of the conflict between them, the prospects of non-adversarial relationship is greater than that of disputes. In other words, by emphasizing *benyaogba ukpikator* as the chief conflict management method, disputants are made to avoid the winner-loser mentality that is fundamentally associated with adjudication, which the people call *bate kate*. By its nature, *benyaogba ukpikator* is a generally flexible and amicable method of resolving disputes. This is appropriate for a community whose members live on a face-to-face basis and are bound by webs of social, ritual and economic relationships.

The managers of *benyaogba ukpikator* are usually lineage elders, priests, and influential individuals who are known for their wisdom and skills in their official and professional capacities, as well as in their private dealings. These individuals are normally known widely within their communities and have the capability to persuade disputants who have been summoned to attend hearings. It often happens that such individuals are often invited to mediate conflicts outside of their own kin group or community. While doing the fieldwork, the author came across cases of this nature. One elder in New Ayoma was often mentioned as an adept mediator. He was particularly remembered for his success in resolving a chronic land boundary dispute between two farming settlements in the area. This mediation was deemed a success because, at the time of the interview, it had been over thirteen years since the dispute was settled and had not been reactivated.

#### (ii) *Lelorkalorbunu*

One other pillar in the ideology of *kanye ndu bowi* is the strife for, and emphasis on, *lelorkalorbunu*. *Lelorkalorbunu* represents the people's concept of fairness and justice. Buems maintain that the primary objective of their disputing forums is to achieve *lelorkalorbunu*. *Lelorkalorbunu* literally refers to a mutual acceptance, not only of the dispute-handling process, but also of the verdict. It is a basic principle among the Buems that until parties to a dispute have accepted the verdict that is reached at any dispute-handling forum, the conflict cannot be deemed resolved and, as a result, settlement and/or penalty (*kornu*) cannot be suggested. In other words, once *lelorkalorbunu* has been attained, which means that the disputing factions have

accepted both the process and the verdict, managers of the disputing process will then begin to suggest courses of action to repair the damaged relations between the former disputants in order to return them to the previous state of their social relationships. It is believed that a good dispute-handling forum does not force a decision on the parties but gets them to concur.

#### (iii) *Institutional and personnel trustworthiness*

The third pillar, which undergirds the indigenous Buem conflict management system, is the uncompromising emphasis on institutional and personnel trustworthiness. It must be noted that there is no explicit separation of powers among the indigenous organs of the Buem political system. The same public officials—the chiefs, fetish priests, and lineage heads—who exercise the powers of state administration are also the lawmakers as well as the law-enforcers. However, contrary to the modern expectation that such concentration of powers can be a recipe for autocracy, despotism, and even dictatorship, power concentration among Buems has rather made imperative political openness, trust, and transparency at both personnel and institutional levels. By resolving disputes, these politico-judicial officials meet not only the expectation of the disputants that their conflict has been resolved, they also strengthen the trust that the people have in them. In other words, successful resolution of conflicts does not only restore marred social harmony, it also enhances the legitimacy and political standing of the public institutions and officials.<sup>4</sup> Buems often say that any community leader who cannot be relied upon to settle community disputes is a *kwesia panin*—a worthless elder.

### Conclusion

One key question regarding the sustenance of the indigenous principles of conflict management in Buem-Kator is whether the conditions that made them effective in the past are still intact to cope with the dramatic social changes that the area has been experiencing since colonial times.<sup>5</sup> This is because the apparent effectiveness of the indigenous principles in the past was possible because they evolved with, and were tailored to, the scale of society and

exigencies of the time. As in all other areas in Ghana, and, in fact, in all Africa, indigenous principles and values have been significantly altered with the advent of the modern state, the introduction of Western-style education, world religions, increased monetization of local economies, and the development of modern infrastructural and communication facilities. The Buem who the author spoke with conceded this fact. The changes have posed a challenge to the effective mobilization and utilization of the indigenous principles in the management of the modern conflicts.

One area in which indigenous Buem principles are in conflict with those of the modern state is the determination of land rights, which has become the major source of conflict in the area. This clash of principles is most obvious in the conflicting notions of statute of limitation, as applied to the occupancy and use of land. For example, in 1972, the Government of Ghana passed a law, Section 106 of which specifically provides that a person who has been in continuous possession of land for twelve or more years cannot be evicted from the land. The central tenets of this law are fundamentally incompatible with the indigenous Buem land laws. The indigenous Buem land laws do not restrict the length of time within which an action to recover land from an occupant can be effected. Thus, the Buems have contended that the mere occupation of the land particularly by migrants (who are often viewed as outsiders), irrespective of length of stay on the land, is not a sufficient condition to make it a property that they can perpetually hold.

The central issue therefore is: Is it not appropriate for the Government of Ghana and, in fact, African governments in general and their development partners to seek means by which the relevant aspects of the conflict management systems of the indigenous communities can be synthesized with those of the modern states in order to harness the potential benefits of both systems.<sup>7</sup>

- 1 The term conflict management as used here refers to any means by which conflict is prevented, reduced, or resolved.
- 2 The area is a cluster of farming communities, the main settlements of which are New Ayoma, Dzolu, Old Ayoma, Baglo, Odumase, Kute, and Lekante.
- 3 Social control in this context refers to the community's moral code, comprising its beliefs and value systems, which influence the people's attitudes and behavior.
- 4 More elaborate views regarding this can be found in Marc J. Swartz, "Bases for Political Compliance among Bena Villages" Marc J Swartz, Victor W. Turner, and Artheu Tuden, eds., *Political Anthropology*, Aldine Publishing Company, Chicago, 1966 and a more recent work by Ben K. Fred-Mensah, "Bases of Conflict Management among the Buems of the Ghana-Togo Border Area", I. W. Zartman, ed., *Traditional Cures for Modern Conflicts*, Lynne Rienner Publishers, Boulder, 2000.
- 5 A similar question was earlier raised by Hareya Fassil in the article, "A Qualitative Understanding of Local Traditional Knowledge and medicinal Plant," *IK Notes*, No. 52, January 2003, p. 2.
- 6 Ghana Government, *Limitation Decree*, 1972. This legal system dates back to the British legal tradition, particularly its *Limitation Act*, 1833.
- 7 Such an attempt has been suggested by Ben K. Fred-Mensah in his article, "Capturing Ambiguities: Communal Conflict Management Alternative in Ghana," *World Development*, June, vol. 27, no. 6, 1999. It must also be noted that by virtue of its *Interpretation Act*, 1960 and 1992 *Constitution*, the indigenous laws (called customary laws) of the country's ethnic constituents are recognized as part of the country's legal system. However, in principle the national laws have precedence over them and also their application is limited to the ethnic group in which it has evolved.

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